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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/612,082

07/02/2003

Peter Paul Zilla

P-8792.05 Continuation I

5837

7590

06/30/2006

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EXAMINER

TRUONG, KEVIN THAO

ART UNIT

PAPER NUMBER

3734

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



### **DETAILED ACTION**

***Note: This is in response to Amendment filed 04/10/2006.***

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 103-112 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Zilla et al. (U.S. 6,554,857).

wherein the Zilla et al discloses the method steps as recited in the claims such making a prosthesis (foam graft) which comprising the steps of extruding a thermoplastic elastomer with the aid of physical and chemical blowing agents to produce a foamed graft.

#### ***Response to Arguments***


3. Applicant's arguments, see remarks, filed 04/10/2006, with respect to the rejection(s) of claim(s) 103 under Brunell et al have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Zilla et al. (U.S. 6,554,857).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin T. Truong whose telephone number is 571-272-4705. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:00 PM..

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Art Unit 3734

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